Public Hearing Sign in Sheet

Proposed revisions to Rule 33CSR1 "Solid Waste Management Rule"

July 30, 2014, 6 p.m. Charleston

The Department of Environmental Protection asks for the information below so that agency staff may provide responses and information about decisions to you. The information you voluntarily provide on this sheet becomes part of the public record related to this topic and may be released if requested under the Freedom of Information Act.

Name (please print)	Address	Organization	Phone/Fax	E-mail	Comment Yes/No
Mark Cochran	3304 Doolin Run Road New Martinsville WV 26155	Wetzel County Solid Waste Auth	304-455-5508		Yes
Bill Hughes	862 Scheidler Run New Martinsville WV 26155	"	304-396 4692	hughes@ovis.net	YES
Mark Clark	2804 Rough Rd S. Charleston WV	IOGA-WV	304 550 0278	mclark@spilmanlaw.com	NO
Leonard Knee	600 Quarrier St. Charleston WV 25301	Boundless Res.	304-347-1720	lknee@boundlessres.com	√o
Lisa Kardell	701 Pennsylvania Ave NW #590 Washington DC 20004	Waste Management	202-258-1203	LKardell@WM.com	NO
PAT McCUNE		CONSOL ENERGY	304-550-3388	PATMCCUNE@CONSOLENERGY.com	NO
Jessica Greathouse	414 Summers St Charleston 25301	Chesapeake	304-~~553~~-353-5240	jessica.greathouse@chk.com	no
ANGIE ROSSER	3501 MacCorkle SE #124 Charleston WV 25304	WV Rivers Coalition	304-637-7201	arosser@wvrivers.org	Yes
David Johnston	601 57th Street S.E. Charleston, WV 25304	WVDEP	304-926-0499	david.b.Johnston@wv.gov	No
KEN HOLLIDAY	601 57th street SE Charleston WV 25304	WVDEP	304-926-0499	kenneth.C.holliday@wv.gov	No
SUDHIR D. PATEL	601 57th Street SE Charleston, WV 25304	WV DEP	304-926-04999	Sudhir.d.Patel@WV.gov	NO
Yogesh Patel	"	WVDEP	304-926-0499 x1014	Yogesh.P.Patel@wv.gov	NO

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Name (please print)	Address	Organization	Phone/Fax	E-mail	Comment Yes/No
Kim Parsons	600 Quarrier St Charleston, WV	Bowles Rice	304/347-1107	kparsons@bowlesrice.com	No
Greg Hoyer		EQT	3045461923	ghoyer@EQT.com	No
Dave Yaussy	PO Box 1791 Charleston, WV 25326	Rob/Mickelberg	304 347-8358	dly@ramlaw.com	No
Ken Ward Jr	1001 Virginia St East Charleston 25301	Gazette	348 1702	Kward@wvgazette.com	no

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Name (please print)	Address	Organization	Phone/Fax	E-mail	Comment Yes/No
Tom Rhule	1404 Watts St Chas WV	Citizen	3049891687	01citizen@gmail.com	Yes (circled) ✓

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Name (please print)	Address	Organization	Phone/Fax	E-mail	Comment Yes/No
Roger Hanshaw	600 Quarrier St. PO Box 886, Char. 25325	Bowles Rice	304 347-2115	rhanshaw@bowlesrice.com	No

BEFORE THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN RE:

LEGISLATIVE RULE 33CSR1,
SOLID WASTE MANAGEMENT RULE

ORIGINAL

HELD JULY 30, 2014

6:00 P.M.

Donna H. Miller
Certified Court Reporter

CAPITOL CITY REPORTING
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A P P E A R A N C E S

ON BEHALF OF THE DEP:

THOMAS J. ALUISE
Public Information Specialist

DAVID JOHNSTON

P R O C E E D I N G S

MR. ALUISE: Good evening. I am Tom Aluise with the Department of Environmental Protection's Public Information Office, and I am the facilitator for tonight's public hearing on proposal to revise Legislative Rule 33CSR1, "Solid Waste Management Rule."

The proposed revision establishes protocols for the proper handling, management, and disposal of drill cuttings and associated drilling process and establishes limits for unique toxins associated with drill cuttings and associated drilling mud and requires radiation and leachate monitoring at all facilities receiving drill cuttings and associated drilling mud.

The purpose of tonight's hearings is to give you the opportunity to share your comments or information with the DEP about the proposed revision to this rule.

Tonight's hearings are being recorded by a court reporter so that the comments shared can be taken into consideration and entered into the public record. An agency response will be provided for all submitted comments (both written and verbal).

To ensure that we successfully achieve the purpose of this hearing, we ask that everyone be respectful and considerate of each other by refraining from

interrupting others while they are speaking and also keeping your comments on topic so that our time together can be used efficiently.

To those wishing to speak, when you're called to the front, please state your name and if you are with any groups or organizations.

If you have written comments that you would like to submit in addition to your spoken comments, please hand them to me after you speak or at the conclusion of the hearing.

We have three people who have signed up to speak, and I'll check again at the end of the hearing if anybody changes their mind and would like to speak, we will certainly accommodate you.

Our first speaker is Mark Cochran.

MR. COCHRAN: Thank you. My name is Mark Cochran. I'm from New Martinsville in Wetzel County. I am a board member of the Wetzel County Solid Waste Authority.

In preparation for today's public comment period, the Wetzel County Solid Waste Authority engaged two environment consulting firms to prepare technical questions and comments regarding these draft rules.

Downstream Strategies of Morgantown address primarily water and air issues, and Bennett and Williams of

Columbus, Ohio address issues primarily concerned with landfill design.

We are presenting you, the DEP, with the results of the work of these two firms. They are in here back to back, one in the front, one in the back. I believe they are concise, yet comprehensive.

The Downstream Strategies takes me about 25 minutes to read. The Bennett and Williams takes me slightly less.

There's two or three things here I would like to speak to. These are rather voluminous so I don't want to speak to everything, but both of these works speak to something I think we should all be concerned about.

Because drilling waste is being deposited in West Virginia landfills, and because this waste contains heavy metals and radioactive materials in unknown quantities, and because this drill waste contributes to landfill leachate once it goes in the landfill, and because landfill leachate is treated in conventional waste water treatment facilities, which are not designed and not capable of removing these heavy metals and radioactive materials, and because waste water treatment facilities discharge their effluent into the surface waters of the state, we as a citizenry and a state are permitting the

lawful discharge of unknown quantities of heavy metals and radioactive materials into the waters of the state.

We're doing that. I think that we really need to consider the wisdom of that action. It's almost stunning to me that we are doing that, as a citizenry and as a state. Knowingly putting these materials into the surface waters of the state.

A couple of other items I'd like to mention. In the Downstream Strategies work, they talk about the issue of minor modifications, minor permit modifications, and major permit modifications.

What's happening right now with the disposal of these drilling wastes is done under the auspices of minor modifications. Would not a major permit modification be appropriate for landfills that are now taking two or three times the monthly intake that they took before drilling waste. They have had their monthly intake increase by a factor of two or three, and it's being done under a minor modification.

In the Bennett and Williams work one thing that popped out at me, Bennett and Williams raises questions about the capability of leachate and liner systems in these solid waste landfills.

These liner systems and leachate systems are

designed for landfills that are accepting municipal solid waste. Now we are putting material in there that has a density of two to three times that of municipal solid waste.

Are these liners and these leachate collection systems robust enough to handle this extra weight? I urge you to review these two works. I thank you for the opportunity to speak.

MR. ALUISE: Thank you. Our next speaker is Bill Hughes.

MR. HUGHES: My name is Bill Hughes. I'm from Wetzel County, Chairman of the Wetzel County Solid Waste Authority. I've lived in Wetzel County for just a year or so shy of 40 years. We bought our 79 acres there 40 years ago, and the overarching motivator for my involvement of many years has been that all my grandchildren, my two children, all their children all live in Wetzel County, and I think all of us anywhere we live share some concern for what is West Virginia, the state we are living, going to be like for our grandchildren and for their grandchildren. So it's that real long point of view that motivates me.

Over the last summer through the winter and fall I was here at the DEP offices a good bit. I was at the Legislature a lot during the legislative session. I

actually was there too much. It's not a pleasant place to visit and it's a media that I just don't operate well in, a little messy the political process.

But one of the comments that came out there and now then among some of the House of Delegates or the State Senators as well, it's only Wetzel County that's complaining about this.

I mean, why is no one else speaking up? I mean this is -- well, that's a lot of observations. There's some truth to that, and there's some omissions from that.

The truth is there were not very many other solid waste authorities, because across the state, the Wetzel County Solid Waste Authority is the only one that has in our file cabinets over 3,000 pages of leachate reports. There's a bit of a problem when you start looking at 3,000 pages of leachate reports. It takes a while too, a little boring.

The other issue is seven years ago, Chesapeake invaded Wetzel County. Massive footprint. Five more drill rigs at the same time. Accidents galore.

Okay, so seven years ago, we were already drilling holes in Wetzel County. In October, seven years ago we had our first gas production. Well, it took four

years later for the DEP to say -- realize first and then say maybe we ought to try to regulate this somewhat. The emphasis being on somewhat.

So House Bill 401 was passed in December of 2011 that laid down some basic guidelines and some were very fundamental, but it had a lot of rules about designing a well pad, operating a well pad, water impoundments and what to do. For example, one of them said okay, fellows. we've got to have a professional engineering firm design your well pads, because they are all slipping down the hillside, creating a heck of a mess everywhere.

Well, that's sort of like telling a trucker you've got to keep air in your tires, in my opinion, but we needed to do that. All right, that was just bare bones regulations in 2011.

Then just a few months ago, the Legislature finally figured out well, for seven years we have not figured out what to do with drill waste, drill mud, drill cuttings, the stuff that's left over.

They put solid, semi-solid, and for some reason they thought, or in my opinion sometimes did not think, let's just dump it in the landfills. So last year, 2011, the landfill that's in Wetzel County was allowed to bury 250,000 tons of drill waste, uncharacterized, and by

that I mean, there's been a 20-plus year our DEP folks could be very precise with, they have a waste characterization process. Have a tanker truck spill diesel fuel on the road after an accident, they've got 30,000 tons of that or something like that. Okay, get a minor mod for your landfill. Test it for TCLP metal, DROORO, and take it to the landfill.

Well, we have completely subverted that normal process for special waste, and not required the drill cuttings from the horizontal bore to be tested. The proposed regulations in the emergency rule that was just put into effect a few weeks ago still does not do that.

So it's a problem. 300,000 tons went into Meadow Fill, all total in the landfills between Brooke County, Ohio County, Wetzel County and Wood County, 557,000 tons of drill waste between 2012 and 2013. I don't want to look at this year's. These are depressing enough.

Because it's uncharacterized. I'm not saying it's the worst stuff we are putting in the river. Look at the Ohio River Watershed from Hancock and Brooke County on down. We put a lot of nasty stuff in the river, but we have had an NPDES process for decades. We know what they are allowed to put in, what's in there, where SANKO trolls the river frequent enough to test what's in there.

This is uncharacterized waste. We don't know what's in it.

The process flow that I gave, folks, now some months ago has this bit of a flow chart. It would be nice to have it on power point, but the flow is connecting a drill path, any Marcellus drill path, with drinking water. How do we get there? A there's a bunch of black holes in the process.

Well pad, producing drill cuttings, get taken to a landfill, moisture drains, percolates down through the drill cuttings, becomes leachate. It's like coffee coming out of the coffee grinds, I think.

The leachate invariably has been measuring high gross beta, high gross alpha, Radium 226 and Radium 228, and no Strontium. It's been tested for that, and other heavy metals.

So the radioactive constituents are showing up, the isotopes are showing up, in the leachate coming from the drilling cuttings because these are separate in some landfills.

The radioactivity cannot be filtered out. It passes right through any publicly owned treatment works. I think there's some highly experimental, very expensive, reverse osmosis processes, but anyway, our publicly owned treatment works can't do it. Radium goes right through it.

So it can't be filtered out. The leachate goes to the water treatment plant. The effluent from the water treatment plants goes into surface waters, and that as the Elk River and Freedom Industries proved sometimes surface waters go into drinking water.

So that's the flow that I am concerned about because a bunch of my friends and neighbors downstream somewhere.

So those are the issues that this report that Mark Cochran handed in, we have a few more copies for those who might wish to be a little bit more informed. When we look through the consultants available, we could find folks who knew how to design landfills and mediate landfills, you know. We could find some who were good on water analysis and NPDES and good water chemistry folks, but to tell you the truth, we couldn't find any one firm that could do what we wanted, which is why we had them both, and we couldn't find anyone that -- anyone, anywhere, that had experience doing what we are doing.

Since we started creating nuclear waste in the early '40s or '50s, and I don't know when it would have started, we as a nation, we as a collection of states, have never tried to do this. This is uncharted territory. This is new ground. This is unmapped. We are literally

guessing in the dark, and we hope that it's not going to be a glowing dark.

The point is, this is low level radioactive waste. I'm not saying this is enriched plutonium. This is not going to blow up. I know over the years, we'll probably burn a couple -- the smoke detectors. They have a little ionization unit in them. You are not supposed to put them in landfills. I know it's happened.

The issue is we have had small amounts of medical waste, small amounts of other low level radioactive waste, and it hasn't been a problem. But if you take small times gargantuan, you end up with huge or something like that.

600,000 tons of this stuff in a year or so, all of it low level radioactive can become a serious issue. The radon gas is being put off all the time, because Radon 226, Radium 226 is radon gas. That's going to be generated constantly. It only has a half-life of four days, three to four days. It's not a problem, but the Radium 226 has a half-life of 1,600 years. That's going to probably outlast us.

We are doing things that are really unexamined, unexplored.

I'm just going to read the last paragraph or

so out of this cover letter that we have signed, all five of us in the Wetzel County Solid Waste Authority signed it. It's inside the document that was handed in.

This is a large experiment into uncharted territory, without any template or models or maps to help us make prudent choices with regard to the long term environmental and public health implications.

This is a leading edge problem of our own making. We need to proceed with the utmost prudence. Some of our decisions might be irreversible. The chemical laws of nature, the rules of nuclear physics, and the permanent human need for clean, potable water will not be altered, whether we act in uninformed haste or with prudent and reasoned deliberations.

Just having good intentions, when combined with our temporary ignorance of the natural laws will not be tolerated by nature or forgiven by many generations to come. Mother Nature will have the final say.

And that's all from Wetzel County at the moment.

MR. ALUISE: Thank you. Our next speaker is Angie Rosser.

MS. ROSSER: Good evening. I'm Angie Rosser, the Executive Director of the West Virginia Rivers

Coalition. The shale gas drilling boom in West Virginia has presented the state with a hefty challenge of balancing the economic opportunities of gas development with the protection of the natural environment and its land, air and water resources we rely on to survive.

One of the most challenging aspects accompanying the recent surge of unconventional gas drilling is managing the massive volume of waste generated from these operations.

Not only is there simply a lot of it to deal with, but we know the waste includes heavy metals and radiological elements that pose a risk to human health.

The volume of waste is only expected to increase in coming years. As of this spring, West Virginia has around 2,300 Marcellus well, and the U. S. Department of Energy projects that we will see upwards of a pace of 900 Marcellus wells per year by 2020.

Management of drilling waste in West Virginia is one of our most serious and significant environmental issues of our time, and we need to be very thoughtful and cautious.

For the West Virginia Rivers Coalition we focus our concerns on how drilling waste management handling and disposal practices pose a potential threat to

water quality. A leading concern is that there is simply many unknowns in the characterization of the drilling waste and the effectiveness of leachate treatment prior to its discharge into a receiving stream.

It is known that naturally occurring radioactive materials, such as Radium 226, is found in drilling waste and is water soluble. It is in a leachate that leaves landfills accepting the waste, gets treated and them it's discharged into the receiving stream.

For the Wetzel County Sanitary Landfill that receiving stream is the Ohio River, which is the drinking water source for over five million people.

The key concern to this is that we just don't know enough about the effectiveness of treatment. We don't know all of the pollutants they are adding to the receiving streams and rivers and how what we are adding impacts the overall pollutant carrying capacity of receiving waters over time.

These practices are in essence an experiment and the rivers and the people of West Virginia are the subjects of this experiment.

The lead author of a 2013 DEP-sanctioned study concluded, "At present little is known about the risks associated with the solid waste from hydraulic

fracturing in the Marcellus. Characterization of their inorganic, organic and radioactive contaminants is at present incomplete. A systematic study, including worker, environmental and community risks is needed."

Ideally, we would have liked to have seen an investment into such systematic studies before subjecting the public to this experiment in drilling waste management, but it's seemingly too late for that.

The DEP and the Legislature are moving us ahead in this experiment.

The solid waste rule needs to take every measure to make sure this is not an experiment gone wrong. Just the mere mention of the letters MCHM quickly remind us of how terribly things can go wrong when there are unknowns about contaminants that can or are entering our water supplies.

At this point, DEP must make every assurance in these rules that the best technology be used in monitoring and that monitoring includes a complete set of parameters, particularly at the point of discharge into surface waters.

We cannot cut corners when it comes to protecting our water and our health. We cannot look to quick fixes that suit the gas industry's needs without

thinking about long term accumulative health and environmental impacts.

Today I was reviewing comments submitted on this rule from Professor James O'Reilly with the University of Cincinnati's College of Medicine. He is the author of multiple textbooks dealing with solid waste management, and this excerpt from his comments reveals for me insight into some of the dynamics of how we must weigh economic burdens on industry and public health.

In his comments dated July 29th, 2014, he urges DEP to, "Squarely face the claims of economic burden and please reject them. Use the best technology now, not later. Use the safest course of landfill monitoring, not the cheapest. I urge the DEP to reject claims that an increase in radioactive leachate and effluent from landfills is to be accepted as a desirable tradeoff for claims of more short term employment and transient jobs. I urge the DEP to protect the environment as its very name suggests even though LLC drilling companies, which are reportedly funded by the state oil companies of Norway, China and France would prefer not to spend any money to protect people in West Virginia. Let the bright minds of Wall Street and London shale gas investors come up with a well-head centered means of dealing responsibly with the

disposal of contaminants they dig up with the drill waste radioactivity. The drillers LLCs will be long gone by the time that an increase in human bone concentration levels of strontium or radium among West Virginia children is precisely known. The irony is that economic arguments are being made by companies which are legally designed to dissolve under corporation law, while the by-product of their drilling will not dissolve its radiant content for many thousands of years."

It's time to expect more of industry to come up with long term sustainable solutions that are proven to be environmentally sound and protective of human health.

As I said earlier, this problem will not go away. In fact, it will only get worse.

Our request is that the DEP, the Legislature, and drilling companies operating in this state will put West Virginia forward as a national model for innovative technology and practices that reduce toxic waste in the first place, and plan prudently for long term safe management.

House Bill 107 and these rules do not get us to that place, and I am very concerned about our state's handling of this issue, again one of the most significant environmental issues of our day.

In the meantime, until we get to that place, we need to be expanding our thinking about how to solve this problem long term.

West Virginia Rivers Coalition supports the technical comments and questions submitted by the Wetzel County Solid Waste Authority and Professor James O'Reilly. We will be paying close attention to the requirement in House Bill 107 through DEP to conduct an investigation and submit a report to the Legislature that examines hazardous characteristics of leachate collected at facilities receiving the drilling waste, and its potential negative impacts on surface and ground water resources.

This rule must be revised to ensure that DEP is able to conduct a thorough and accurate evaluation pursuant to this requirement.

Thank you for your attention.

MR. ALUISE: Thank you. Our next speaker is Tom Rhule.

MR. RHULE: My name is Tom Rhule, and I am a lifelong resident of West Virginia. In the interest of full disclosure, I'm the Communication Director for the West Virginia Mountain Party, although I believe the factual statements I make here today, are apolitical and are necessary to protect the public health, safety and

welfare of the citizens of this state as guaranteed by the West Virginia Constitution's Bill of Rights.

Thank you to the Agency for allowing me to speak. I wish to request leave to revise and extend our remarks as I don't believe that I will be allowed to finish here because of the wanton cover up of the radiation problem associated with the Marcellus waste by the West Virginia DEP.

Randy Huffman's original landfill memorandum of July 2013 was issued quietly and without public comment because he knew it was wrong to do so. The way I see it, the DEP owes us all an opportunity to speak twice as long because of his attempt to keep concerned members of the public from revealing just how dangerous that memo was.

In May of 2011, West Virginia DEP officials are on record as having assured the West Virginia Legislature that radiation is a nonissue with regards to drilling the Marcellus. Associated Press' Lawrence Messina reported that, "DEP Secretary Randy Huffman said the geology of West Virginia's share of the massive rock formation a mile underground may make radiation less of a concern than in neighboring Pennsylvania where officials have been more actively testing."

"The radioactivity levels are really related

more to the location, to the depth and pressures," Huffman told the Joint Committee on Government Organization.

James Martin, head of DEP's Office of Oil and Gas, noted that his agency has only just started to craft a process for testing and has yet to decide whether to assign the task to its own staff or to industry."

Now, that's wrong. You need to make note of what James Martin said. Its own staff or to industry.

When I read that in the Charleston Gazette, I immediately called Eastern headquarters for the United States Geological Survey to find out if the threat of radiation in West Virginia was any less than in Pennsylvania.

They put me in touch with Liz Rowan, lead scientist of the 2011 U. S. Geological Survey Scientific Investigations Report 5135 titled Radium Content of Oil and Gas Field Produced Waters in the Northern Appalachian Basin.

Because she assured me during that phone conversation that the threat of radiation would naturally not stop at West Virginia's borders, as Huffman and Martin had testified, I since have found documents that they both knew, or should have known, that their testimony was false and misleading.

That USGS study is but one of many revealing that it's not the geology or the depth that is an indicator of high radiation as Huffman stated, but the amount of gas that's trapped. It has also been found that the higher the conductivity of the flow back, the more the Marcellus share in that area will have a higher uranium content, and is also an indicator that more gas will be produced.

In other words, high conductivity, more gas, more radiation. Read Rowan's report. You'll see.

Because of that evidence, I strongly believe that they both should immediately be relieved from duty and charged with malfeasance. At the very best, state house leaders should censure the West Virginia DEP over their misinformation, particularly when it comes to any oil and gas industry reports or recommendations.

For example, Safe Drinking Water Act here in West Virginia reports required annually by the EPA reveal that toxic amounts of radiation have been suddenly showing up in small public service districts only since the new high pressure horizontal hydrofracking of the Marcellus began in 2008. This is when they showed up in 2008. Bill Hughes just said it's been around since 2007. There's a little time line correlation we need to be aware of going on here. This is not all.

Neither the DHHR or the DEP have ever revealed the source of that radiation. They've also never informed the public that the public has been exposed to it. I have documented evidence leading to the strong belief that dumping Marcellus waste is the source of toxic radiation in at least 17 of West Virginia's small public service districts.

Unfortunately, it is too detailed to go into at this forum, but I alerted the WV DEP of it through their Public Advocates Department and discussed it in detail several months ago with them when I discovered it.

According to the DEP's final report entitled Water Quality Literature Review and Field Monitoring of Active Shale Gas Wells Phase I dated February 15, 2013, "All Marcellus flow back samples exceeded drinking water standards for barium, chloride, iron, manganese, total dissolved solids and Radium 226." That's every sample.

It was buried. Buried deep in that report. Every sample had toxic amounts of Radium 226 in them.

First of all, despite other misleading statements in that document, Radium 226 is not naturally contained in the Marcellus in toxic amounts. According to the USGS, radium is produced in toxic amounts as a by-product of the high amount of uranium only because it is

being liberated and brought to the surface by drilling.

The problem with the DEP's definition is that when it is liberated and brought to the surface, it is no longer naturally occurring radioactive material or NORM. I have to tell you, that is an oil and gas industry, NORM.

And its propaganda agents at the DEP call it NORM, but it is actually technologically enhanced naturally occurring radioactive material or TENORM.

It is quite troubling that a document of such importance as the DEP's Phase I report only provides a casual definition of the TENORM because TENORM is, in fact, a legal term of art, and it is defined in West Virginia Code.

West Virginia State Code, §64-23-16, or 64CSR23, is properly titled Radiation Safety Requirements for Technologically Enhanced Radioactive Materials (TENORM).

Section 16.1 states the purpose of the title, "This section establishes radiation protection standards for the possession, use, transfer, and disposal of technologically enhanced naturally occurring radioactive materials (TENORM)."

Basically, if you read the whole thing, it puts the onus on DHHR and not DEP to protect us against

this radioactive waste. That's why DEP has buried TENORM, the term. So we have to get the terms right.

When uranium-bearing drill cuttings are unnaturally brought to the surface by drillers, they are by the State of West Virginia's own legal definition, TENORM.

Instead of following the State's TENORM law, the West Virginia DEP has reportedly dispatched an agent from its Homeland Security Division to falsely assure landfill operators and the general public that dumping these cuttings is safe, see Wheeling -- the Wheeling Intelligencer/Wheeling News Register, April 3rd, 2014, titled "Drill Cuttings Being Tested for Radiation."

When I contacted the Consumer Advocates Division at the West Virginia DEP to find out the Homeland Security agent's test procedures and lab results, I was told that I would have to try to get that info through a Freedom of Information Act request.

The amount they wanted to charge was inordinately high, and they refused to waive that fee giving no reason for doing so, even though I stated a public need to know and that I would not personally profit from it other than possibly saving fellow citizen's lives.

When I called the DHHR's acting chief of Radiation, Toxics and Indoor Air Division, that's DHHR's

top man, he was acting, though. He's only an acting chief, they haven't had a chief of radiation since Joe Manchin was Governor.

But I asked him directly if he was aware of the TENORM laws that applies to the Marcellus, he said that he had discussed it with DEP's officials, but they were not working together with him or anyone at DHHR in any capacity to comply with that law.

Through the media, the DEP has been assuring the public that there is no way that drill cutting waste can make it into people's drinking water. However, possibly because the DEP doesn't have the expertise to fully understand all the dangers to public health that Radium 226 TENORM poses, the DEP has not secured proper bonding from landfill operators to cover the problems from leaks 1,600 years from now, which is the approximate half-life of Radium 226. Nor can it assure the public that the container designs will hold up that long, or that those landfills will be secure in any way.

Radium 226 easily travels up the food chain, and is known to cause cancer. So any drilling waste material not properly secured for at least 1,600 years into the future poses a major threat to the public health.

The DEP has long known that water passing

through the Marcellus releases toxic amounts of Radium 226 and that it is TENORM that should be dealt with by health professionals, not some dude with a Homeland Security title and a Geiger counter.

The evidence of that may be found in its May 9, 2011 Consent Order Number 7003 issued to the City of Wheeling from the DEP wherein the DEP properly used the term TENORM as it relates to Marcellus waste primarily because of the toxic amount of radiation tested in samples taken from hauling trucks parked outside the Wheeling Municipal Waste Treatment facility waiting for their loads of radium-laced brine to be run through it.

The City of Wheeling was fined originally something like $400,000 for noncompliance. I think it was eventually dropped to $49,000 when they came into compliance. But that Consent Order, they have it on file here.

Anyway, and it shows that DEP knows what TENORM is, knows where it comes from, and how dangerous it is.

Anyone with a lick of sense ought to know that if water that's run through bore holes picks up radiation, then the cuttings that made those bore holes just has to be rife with it.

It also stands to reason that any storm water running through those landfill cuttings will carry Radium 226 TENORM for at least 1,600 years.

What I'd like to know is why neither the DEP nor the DHHR is properly dealing with toxic amounts of radiation that's been showing up in public drinking water, but instead have been covering it up. Are they now going to dispatch some homeland security dude with a Geiger counter to those public service districts to falsely claim that there's nothing to that problem as well?

And I have my notes of which public service districts they are. So if anybody wants to see them, I'm going to make them available through a press release on line.

Thank you.

MR. ALUISE: Thank you. Is there anybody else who would like to speak before we conclude the hearing?

This concludes the public hearing on the proposed revision to Legislative Rule 33CSR1, "Solid Waste Management Rule." The agency will review all comments and take them into consideration as it moves forward with finalizing the Agency Approved Rule.

Thank you very much.

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CONCLUDED AT 6:45 P.M.

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REPORTER'S CERTIFICATE

STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, to wit:

I, Donna H. Miller, Notary Public in and for the State of West Virginia, duly commissioned and qualified, do hereby certify that the foregoing was duly taken by and before me, under the West Virginia Rules of Civil Procedure, at the time and place and for the purpose specified in the caption thereof.

I do certify that the said hearing was correctly taken by me by means of the Stenomask; that the same was transcribed by me, and that the said transcript is a true record of proceedings had.

I further certify that I am not connected by blood or marriage with any of the parties to this action, am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel, or financially interested in the action, or interested, directly or indirectly, in the matter in controversy.

Given under my hand this 31st day of July, 2014.

Donna H. Miller
Notary Public

My commission expires October 1, 2023.

OFFICIAL SEAL
Notary Public, State Of West Virginia
DONNA H MILLER
1439 Dog Fork Rd
Kenna, WV 25248
My Commission Expires October 1, 2023